

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
NATIONAL INSTITUTES OF HEALTH;
ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services;
UNITED STATES DEPARTMENT OF
JUSTICE; PAMELA J. BONDI, in her
official capacity as Attorney General of the
United States; UNITED STATES
DEPARTMENT OF EDUCATION; LINDA
M. MCMAHON, in her official capacity as
Secretary of the United States Department of
Education; UNITED STATES GENERAL
SERVICES ADMINISTRATION;
STEPHEN EHIKIAN, in his official capacity
as Acting Administrator of the United States
General Services Administration; UNITED
STATES DEPARTMENT OF ENERGY;
CHRISTOPHER A. WRIGHT, in his official
capacity as Secretary of the United States
Department of Energy; UNITED STATES
NATIONAL SCIENCE FOUNDATION;
SETHURAMAN PANCHANATHAN, in his
official capacity as Director of the United
States National Science Foundation;
UNITED STATES DEPARTMENT OF
DEFENSE; PETER B. HEGSETH, in his
official capacity as Secretary of the United
States Department of Defense; NATIONAL
AERONAUTICS AND SPACE
ADMINISTRATION; and JANET E.
PETRO, in her official capacity as Acting
Administrator of the National Aeronautics
and Space Administration,

Defendants.

Case No. _____

CERTIFICATE OF RELATED CASE

1. Pursuant to Local Rule 40.1(g)(5)(B), Plaintiff President and Fellows of Harvard College hereby certifies that this case is related to a previously filed case, *American Association of University Professors—Harvard Faculty Chapter v. United States Department of Justice*, No. 1:25-cv-10910-ADB (D. Mass. Apr. 11, 2025) (the “*AAUP* case”), currently pending before the Honorable Allison D. Burroughs.

2. Under Local Rule 40.1(g)(1), “a civil case shall be deemed related to another civil case” if (A) “some or all of the parties are the same,” and (B) “the cases involve the same or substantially similar issues of fact” or “arise out of the same occurrence, transaction or property.” L.R. 40.1(g)(1)(A), (B)(i)-(ii). Both criteria are satisfied here.

3. The first criterion is satisfied because some of the defendants in each case are the same.

4. The second criterion is satisfied because the cases do not just involve “common question[s] of law” or the “same or substantially similar challenges to a law, regulation, or government policy or practice,” L.R. 40.1(g)(3), but also involve “substantially similar issues of fact,” L.R. 40.1(g)(1)(B)(i), creating the risk of inconsistent factual determinations and judgments should the cases not be deemed related.

5. Plaintiffs in both actions challenge the unlawful actions related to federal funding for Harvard University. Both the plaintiffs in the *AAUP* case (members of Harvard’s faculty) and Plaintiff here (Harvard University itself) allege that they will be harmed in a substantially similar manner. *Cf. Conservation Law Found., Inc. v. Mass. Water Res. Auth.*, No. 1:22-cv-10626-AK, 2023 WL 1111135, at *2 (D. Mass. Jan. 30, 2023) (Kelley, J.) (deeming related two cases concerning “the same authority[’s]” regulatory “compliance” at the “same treatment plant”).

6. Moreover, failing to deem these cases related would subject both defendants and

plaintiffs to the risk of inconsistent factual determinations. Those inconsistent factual determinations could, in turn, subject the parties to conflicting court orders, further demonstrating that the two cases “involve the same or substantially similar issues of fact.” L.R. 40.1(g)(1)(B)(i); *see* Order, *New Jersey v. Trump*, No. 25-cv-10139-LTS (D. Mass Jan. 24, 2025) (ECF No. 71) (determining cases related under L.R. 40.1(g)(1) where “random reassignment of th[e] case poses a risk of different determinations as to the same factual issues, as well as a possible risk that Defendants might become subject to conflicting court orders regarding their treatment of Ms. Doe and members of the organizations that are also plaintiffs in the Doe case”).

7. Furthermore, because both the plaintiffs in the *AAUP* case and Plaintiff here face substantially similar irreparable harms from actions related to federal funding at Harvard, both sets of plaintiffs seek equitable relief barring defendants from implementing their actions. There is thus further overlap in the factual determinations that the Court will need to make in both cases.

8. Accordingly, Plaintiff respectfully requests that this case be deemed related to the prior pending *AAUP* case and assigned to Judge Burroughs.

Dated: April 21, 2025

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Respectfully submitted,

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**Pro Hac Vice Applications Forthcoming*